THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19677 of 2005

13.9.2005

Between:

Pallikala Appa Rao, S/o.late Appanna, Pallikalavari Street,

Dondaparthi Village, Visakhapatnam – 16, Visakhapatnam District.

… Petitioner.

AND

1. The Visakhapatnam Municipal Corporation, rep., by its

Commissioner, Visakhapatnam.

And others.

… Respondents.

ORDER:

The petitioner is allegedly in possession of 1,332 Sq.yards of land bearing plot Nos.48, 49 and 50 in Balayyasastry Layout, Visakhapatnam. He alleges that a part of the land was acquired for formation of National Highway No.5 in 1963. He further alleges that the respondents so as to deprive the petitioner the remaining land came to the property on 02.9.2005 and made attempts to demolish the structures without there being any notification under Land Acquisition Act, 1894 (the Act) or without there being any negotiations. Aggrieved by the alleged action of the respondents, the present writ petition is filed.

As the serious allegation is made against the respondents, the learned Assistant Government Pleader for Revenue, the learned Standing Counsel for Visakhapatnam Urban Development Authority and the learned Standing Counsel for Visakhapatnam Municipal Corporation were directed to get instructions in the matter. Today, after getting instructions in the matter, all the learned Counsel in one voice submit that the allegation made by the petitioner in paragraph 3 of writ affidavit is not correct and the respondents never tried to disturb the possession of the petitioner nor made attempts to demolish the structures.

In view of the submission made by the learned Standing Counsel/Assistant Government Pleader across the Bar, the factual foundation on which the writ petition rests is so weak and therefore, no writ as prayed can be issued. However, it must be observed that as and when the petitioner's land is acquired, the respondents shall follow due process of law.

The writ petition, with the above observations, is dismissed. No costs.

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(**V.V.S.RAO,J**)

September 13, 2005.

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